

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Waiver of Design Standards #02007

DATE: April 26, 2002

PROPOSAL: Waive sidewalk (Sec. 26.27.020) and street trees (Sec.26.27.090) on the east side of N. 9th Street and street trees on the west side of N. 11th Street.

CONCLUSION: The approval of Administrative Final Plat for Belmont Plaza Shopping Center required street trees and sidewalks. There are no unusual circumstances warranting the approval of this waiver. Public Works Department and Parks & Recreation Department object to the requested waivers.

<u>RECOMMENDATION:</u>	Denial
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 1, Belmont Plaza Shopping Center

LOCATION: N. 11th Street and Belmont Avenue.

APPLICANT: Belmont Partners Shopping Center
238 S. 13th St.
Lincoln, NE 68508

OWNER: Same

CONTACT: Hank Woods
Property Manager, Belmont Partners Shopping Center
FMA Realty
238 S. 13th St.
Lincoln, NE 68508

EXISTING ZONING: B-1, Local Business District

EXISTING LAND USE: Shopping Center

SURROUNDING LAND USE AND ZONING:

North:	B-1, Local Business	Vacant ground.
	R-5 & R-2, Residential	Apartments and single family houses.
South:	B-1, Local Business	Commercial
East:	B-1, Local Business	Commercial
West:	R-5, Residential	Apartment
	P, Public	Max E. Roper Park

HISTORY: August 17, 1993 The Mayor signed Executive Order No. 45111 approving the Administrative Final Plat Security Agreement to guarantee the installation of sidewalks and street trees with the final plat of Belmont Plaza Shopping Center.

 June 30, 1993 Planning Director approved Belmont Plaza Shopping Center Administrative Final Plat #93018; a replat of Belmont Addition platted in 1910 plus or minus.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan specifies this area as commercial.

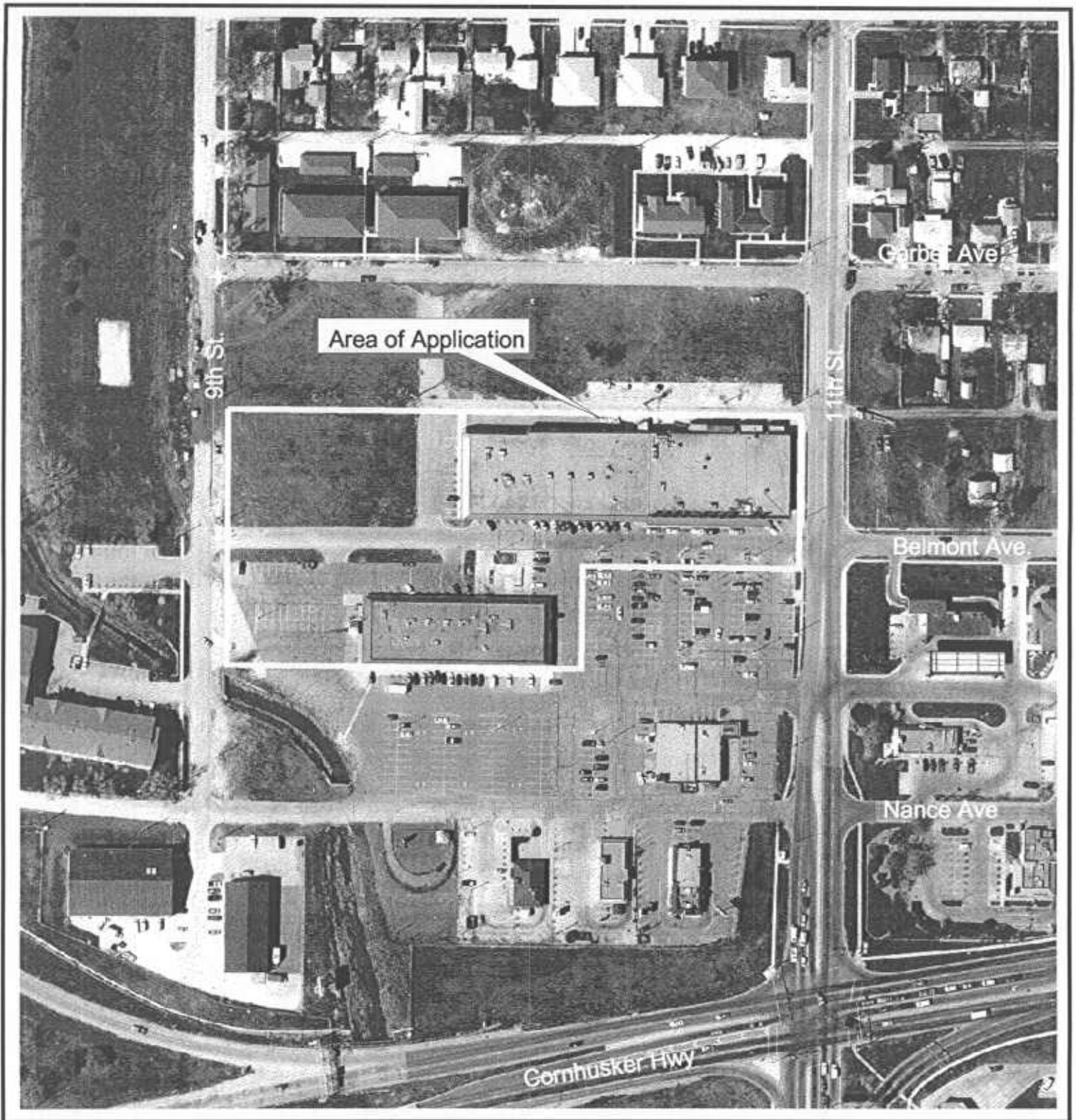
TRAFFIC ANALYSIS: N. 11th Street is an Urban Collector.
 N. 9th Street is a local street.

ANALYSIS:

1. This request is to waive the Subdivision requirements for sidewalks (Sec.26.23.095) and street trees (Sec.26.27.090) on N.9th Street and street trees on N. 11th Street adjacent to this subdivision.
2. The applicants letter of March 20, 2002 states that the sidewalks and trees were to be completed if the rest of the property was ever developed. The approval of the plat for Belmont Plaza Shopping Center does not reference any connection between the required improvements and future site development, per the code. Improvements are required to be in place four (4) years after approval of the final plat.
3. Bonds were posted for sidewalks and street trees as part of the approval of the Administrative Final Plat #93018, Belmont Plaza Shopping Center.
4. As part of bond tracking, the city attorney advised Belmont Partners on March 2002 that conditions had not been met for installation of required improvements.
5. The applicant has not shown any substantial hardship in the required improvements.
6. Public Works Department and Parks & Recreation Department object to the waivers.

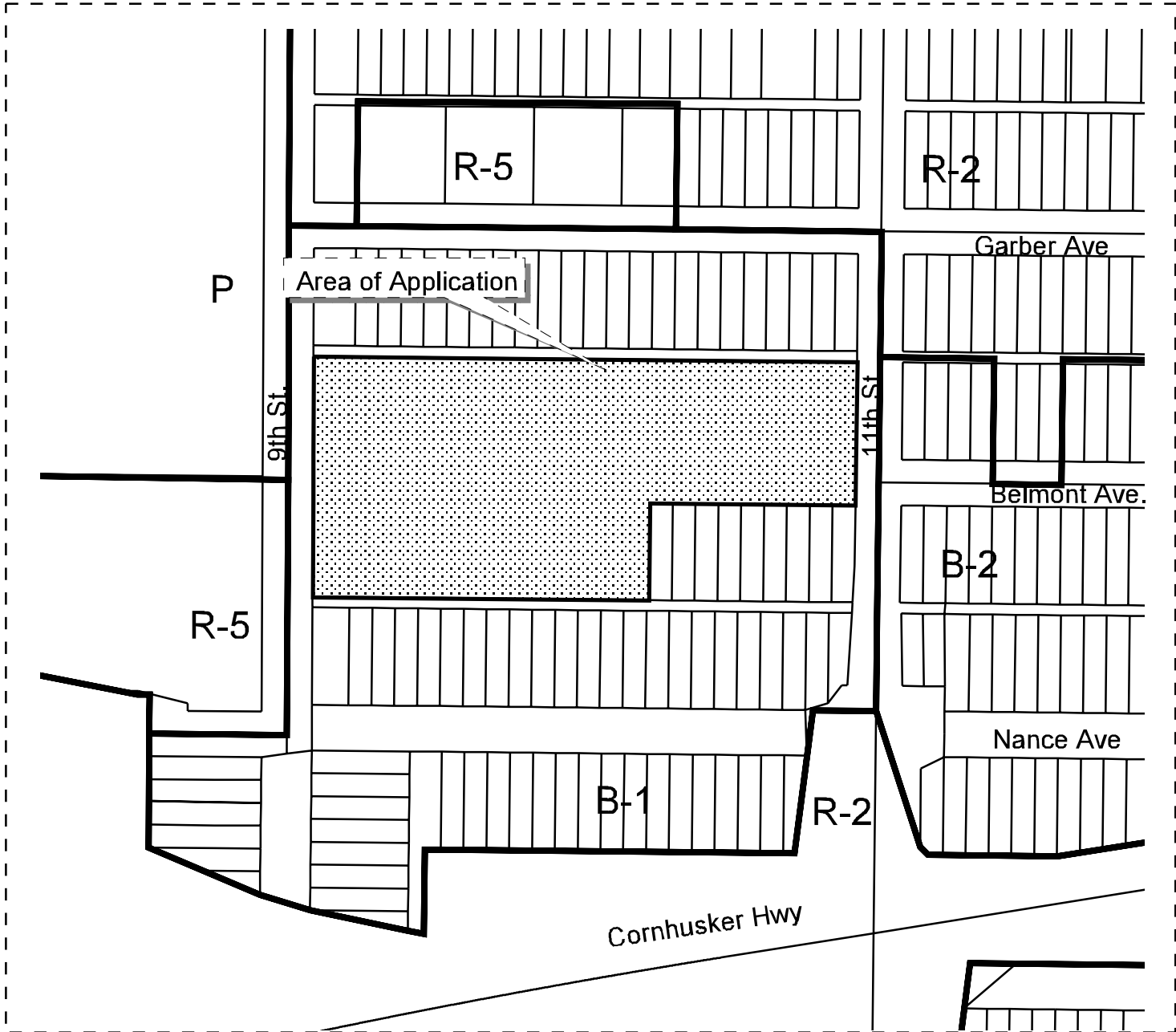
Prepared by:

Tom Cajka
Planner



Waiver of Design Standards #02007
N. 9th St & Nance Ave.
Belmont Plaza Shopping Center



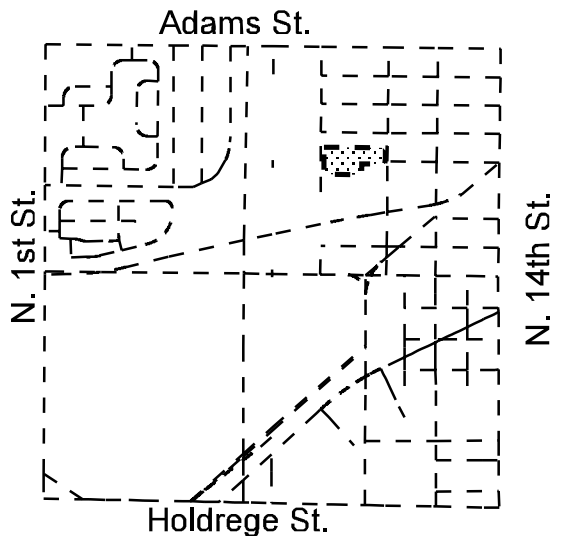
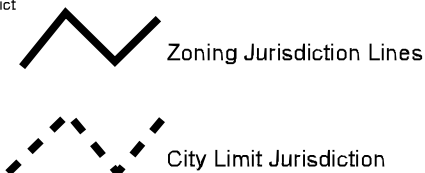


Waiver of Design Standards #02007 **N. 9th St & Nance Ave.** **Belmont Plaza Shopping Center**

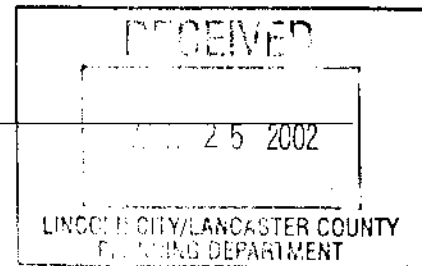
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
 Sec. 14 T10N R6E



M e m o r a n d u m



To: Tom Cajka, Planning

From: *Dennis Bartels*, Engineering Services

Subject: Waiver of Sidewalks and Street Trees for Belmont Shopping Center

Date: April 23, 2002

cc: Roger Figard
Randy Hoskins
Harry Kroos
Nicole Fleck-Tooze

Engineering Services objects to the waiver of the sidewalks and street trees. The approval of the plat does not reference any connection to completing the improvements required in relation to private site development. Since the developer has indicated there are no current plans for future building in the shopping center, there is no reason to further delay construction of minimum subdivision improvements.

Memo



To: Tom Cajka, Planning Department

From: Mark Canney, Parks & Recreation

Date: April 22, 2002

Re: Belmont Partners Shopping Center

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have compiled the following comments:

1. We do not recommend waiver of sidewalk and street trees.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



Commercial Real Estate Services

March 20, 2002

Planning Director
City of Lincoln
555 South 10th Street
Lincoln, NE 68508

RE: Belmont Partners Shopping Center

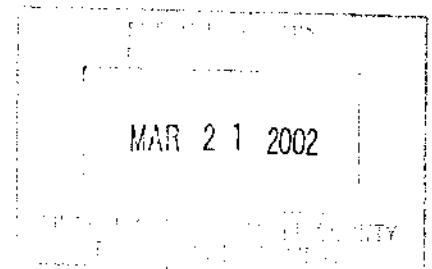
Dear Planning Director,

In my conversation today with Nina Vejnovich, paralegal with the city of Lincoln Law Department, about the letter dated March 18, 2002 concerning Belmont Shopping Center. I am writing you to let you know we are requesting a waiver of design standards completely pertaining to the letter dated April 8, 1993. Belmont Plaza Shopping Center Administrative Final Plat -- AFP.93018 I am providing you a copy of the letter and items that were to be completed by June 01, 1997. The sidewalk and trees were to be completed if the rest of property was ever developed. Which is not going to be and never has been developed. In talking with Nina, Belmont Partners would like, and needs to apply for a waiver to this matter. Please see the enclosures provided, and please let me know what the next course of action is. I can be reached at 402-441-5830.

Sincerely,

Hank Woods
Property Manager
Belmont Shopping Center

Cc Nina Vejnovich
Tom Ball



SALES AND LEASING • PROPERTY MANAGEMENT • FACILITY MAINTENANCE

238 S. 13th Street, Lincoln, NE 68508 • (402) 441-5800 • (402) 441-5805 Fax
www.FMArealty.com • Email: FMA@FMArealty.com

Lincoln



Nebraska's Capital City

18 March 2002

Belmont Partners
c/o Mr Thomas Ball
6200 Andrew Court
Lincoln, NE 68512

RE: Belmont Plaza Shopping Center

Dear Mr. Ball,

Upon review of our files we note that the Belmont Partners have failed to comply with the conditions of approval of the Planning Directors letter of April 8, 1993 accepting and approving the plat designated as Belmont Plaza Shopping Center. Specifically our records show the following requirements have not been met:

1. Complete sidewalks on N. 9th Street.
2. Complete the planting of the street trees along N. 9th and N. 11th Streets.

Both requirements were to have been completed within four years of the approval of this final plat (i.e. June 30, 1997).

If you have completed these requirements please let me know. Otherwise, please inform me when the improvements will be installed.

Your failure to respond to this letter or to make satisfactory arrangements for the installation of those improvements within fourteen (14) days from the date of this letter will leave the City with no recourse but to institute proceedings to enforce Belmont Partners' obligations.

Yours truly,

N.M. Vejnovich

Nina Vejnovich
Paralegal

cc Rick Peo
Assistant City Attorney

Law Department / Dana W. Roper, City Attorney / 575 South 10th Street / Suite 4201 / Lincoln, Nebraska 68508
Phone: 402-441-7281 / Civil Fax: 402-441-8812 / Pros. Fax: 402-441-8813 / Website: www.ci.lincoln.ne.us

Ernest R. (Rick) Peo III, Chief Assistant • John C. McQuinn II, Chief Prosecutor • Richard C. Anderson, Police Legal Advisor
Civil: James D. Falmon • Don W. Taute • Steven J. Huggenberger • Joel D. Pedersen • Connor L. Reuter • Margaret M. Blatchford
Prosecution: Patrick C. Campbell • Christine A. Loseke • Rob E. Caples • Marcee A. Sheil